

4/22/15

4:22 P.M.

Chapter No. LD10
15/HR26/A070SG
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HOUSE BILL NO. 1530

Originated in House



Clerk

HOUSE BILL NO. 1530

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2016.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Office of the Attorney General for the fiscal year beginning July 1, 2015, and ending June 30, 2016.....
..... \$ 8,787,654.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Office of the Attorney General which is comprised of special source funds collected by or otherwise available to the office, for the purpose of defraying the expenses of the office for the fiscal year beginning July 1, 2015, and ending June 30, 2016.....
..... \$ 28,560,271.00.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	108
	Part Time	0
Time-Limited:	Full Time	216
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2017 do not exceed Fiscal Year 2016 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2016 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2016 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2016 "Personal Services"

appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 4. It is the intention of the Legislature that the Office of the Attorney General shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the

same format and level of detail as maintained for Fiscal Year 2015. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2017 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2016 budget request process.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2016
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage	
of Budget (%)	6.00
2011-2012 Baseline: 5.10%	
Training	
Ratings of Continuing Legal Education	
Training Presentation by Participants	95.00
Ratings of CRIMES System	
Training Presentation by Participants	90.00
Litigation	

Min Affirmations of Criminal Convictions (%)	85.00
2011-2012 Baseline: 90.00%	
Minimum Affirmations of Death Penalty	
Appeals (%)	65.00
2011-2012 Baseline: 83.33%	
Minimum Denial of Relief in Federal Habeas	
Corpus (%)	92.00
2011-2012 Baseline: 86.96%	
Minimum Positive Results of Civil Cases (%)	80.00
2011-2012 Baseline: 96.00%	
Percentage Change of Affirmations of	
Criminal Convictions Attained (%)	0.00
Percentage Change of Death Penalty Review	
Cases Affirmed (%)	5.00
Percentage Change of Appeals for Relief in	
Federal Habeas Corpus Cases Denied (%)	2.00
Percentage Change of Positive Results	
from Civil Cases (%)	5.00
Opinions	
Assigned to Attorneys in 3 Days or Less (%)	100.00
2011-2012 Baseline: 100.00%	
Opinions Completed in 30 Days or Less (%)	75.00
2011-2012 Baseline: 76.00%	
Percentage Change of Opinion Requests	
Assigned to Attorneys Within 3 Days or Less	0.00

Percentage Change of Opinion Requests	
Completed Within 30 Days or Less (%)	5.00
State Agency Contracts	
Good & Excellent Ratings for Legal	
Services (%)	85.00
2011-2012 Baseline: 94.00%	
Percentage Change of Good/Excellent Ratings	
for Legal Services (%)	5.00
Insurance Integrity Enforcement	
Minimum Positive Results of Workers'	
Compensation Cases (%)	85.00
2011-2012 Baseline: 90.00%	
Minimum Positive Results of Insurance	
Cases (%)	85.00
2011-2012 Baseline: 90.00%	
Percentage Change of Positive Results of	
Workers' Compensation Insurance Fraud (%)	5.00
Percentage Change of Positive Results	
of Other Insurance Cases (%)	5.00
Other Mandated Programs	
Medicaid Fraud Convictions vs	
Dispositions (%)	85.00
2011-2012 Baseline: 100.00%	
Medicaid Abuse Convictions vs	
Dispositions (%)	85.00

2011-2012 Baseline: 95.00%	
Minimum Defendants Convicted After	
Indictments (PID) (%)	90.00
2011-2012 Baseline: 96.00%	
Response to Consumer Complaints (Days)	6.00
2011-2012 Baseline: 3.14 Days	
Percentage Change of Medicaid Fraud	
Convictions vs Dispositions (%)	5.00
Percentage Change of Medicaid Abuse	
Convictions vs Dispositions (%)	5.00
Percentage Change of Defendants Convicted	
After Indictment (%)	0.00
Average Number of Days to Respond to	
Consumer Complaints	6.00
Crime Victims Compensation	
Claims Processed in 12 Weeks or Less (%)	60.00
2011-2012 Baseline: 67.97%	
Percentage Change of Claims Processed	
Timely (%)	0.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2017.

SECTION 6. Of the funds appropriated under the provisions of Section 2, funds included therein which are derived from penalties

and/or other funds collected by the Medicaid Fraud Control Unit shall be available for the purpose of providing the state match for federal funds available for the support of the unit, or for other lawful purposes as deemed appropriate by the Attorney General. Further, it is the intent of the Legislature that any penalties and/or other funds collected and/or expended shall be accounted for separately as to source and/or application of such funds.

SECTION 7. It is the intention of the Legislature that the Attorney General's Office charge legal fees to all agencies where such legal services are provided. The Attorney General's Office may contract these fees on a contract rate or an hourly rate, whichever is more appropriate. Contracts with the Attorney General's Office for legal services or reimbursement for hourly legal services shall not require the approval of the State Personnel Board.

SECTION 8. Of the funds appropriated under the provisions of Section 2, the amount of One Million Dollars (\$1,000,000.00), or so much thereof as may be necessary, shall be made available for expenditure by the Prosecutors Training Division.

SECTION 9. No part of the money herein appropriated shall be used, either directly or indirectly, for the purpose of paying any clerk, stenographer, assistant, deputy or other person who may be related by blood or marriage within the third degree, computed by the rules of civil law, to the official employing or having the

right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received; however, when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

SECTION 10. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Office of the Attorney General that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 11. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 12. Of the funds appropriated in Section 2, the sum of Eight Hundred Thousand Dollars (\$800,000.00) is provided from

the Department of Health for the Alcohol and Tobacco Enforcement Unit.

SECTION 13. The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Budget Contingency Fund not otherwise appropriated, for the Office of the Attorney General for the purpose of reauthorizing the expenditure of the Budget Contingency Funds, as authorized in HB 1470, 2014 Regular Session, to provide funding for the BP Litigation for the fiscal year beginning July 1, 2015, and ending June 30, 2016.....

.....	\$ 3,915,719.00.
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Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2015.

SECTION 14. The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Capital Expense Fund as created in Section 27-103-303, Mississippi Code of 1972, not otherwise appropriated to the Office of the Attorney General, as authorized in House Bill No. 1470, Regular Session of 2014, for the fiscal year beginning July 1, 2015, and ending June 30, 2016.....

.....	\$100,000.00.
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Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance as of June 30, 2015. This funding shall be provided to the Hinds County Sheriff's Office for the support of the Metro Area Crime Elimination (MACE) Program.

SECTION 15. With the funds appropriated by this act, the Attorney General shall file in the United States District Court for the Southern District of Mississippi a motion to dismiss the case of Olivia Y. et al. v. Phil Bryant, et al., Civil Action 3:04CV251LN.

SECTION 16. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

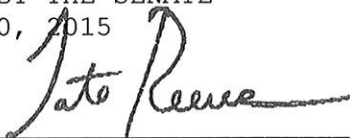
SECTION 17. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 30, 2015



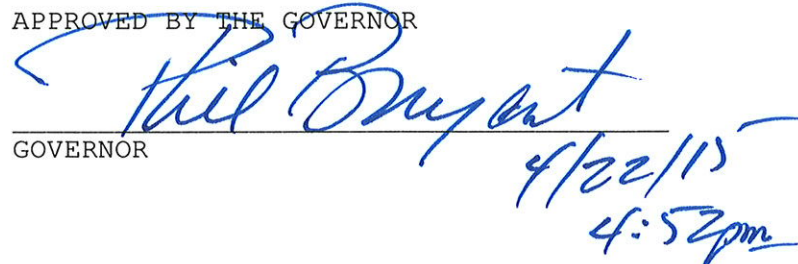
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 30, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
4/22/15
4:52pm